

Notice of Allowability

Application No.

10/767,442

Examiner

Thomas Duong

Applicant(s)

SATO, EIICHI

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 25, 2007.
2. ☒ The allowed claim(s) is/are 1, 5-7, and 9-37.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


PATRICE WINDER
PRIMARY EXAMINER

DETAILED ACTION

Response to Arguments

1. The Applicants' arguments and amendments filed on January 25, 2007 have been fully considered and are persuasive.

Allowable Subject Matter

2. *Claims 1, 5-7, and 9-37* are allowed. The claims indicated include limitations that the prior arts of record do not appear to teach or render obvious, hence they are allowed.

3. The following is an examiner's statement of reasons for allowance:

As presented in the previous Office Action, Webber et al. (US005367698A) discloses, *"in one aspect of the invention, the file storage management system includes a migration file server, in communication with the local network, having a migration storage means for storing data, and a first file transfer element for transferring the data portion of selected data files from any of the client filesystems to the migration storage means"* (Webber, col.3, lines 30-36). In addition, Webber discloses, *"migration server—an apparatus constructed and operated in accord with the invention, as described hereinafter, to provide file migration (bitfile) service to a set of client devices and client filesystems"* (Webber, col.4, lines 42-45). Webber also discloses, *"client systems serviced by the migration server 110 can either be local file servers or individual workstations. The migration file server 110 utilizes an architecture and protocol discussed hereinafter to enable efficient migration server/client communication, and*

rapid staging or transfer of files to and from the migration server" (Webber, col.4, line 68 – col.5, line 6). Hence, Webber teaches of a data migration system that includes a plurality of filesystems to be migrated and that a mapping of the file system or systems between the particular source migration and the particular destination migration is maintained by the data migration system.

Also presented in the previous Office Action, Iwamura et al. (US20040049553) discloses, *"the correspondence between the storage area created in the migration target storage subsystem 110 and the storage area in the migration source storage subsystem 100 which become a data migration source will be retained"* (Iwamura, pg.5, para.75). In addition, according to Iwamura, *"the correspondence information retained in the Step 401 to the data migration function 212 of the migration target storage subsystem 110, and request the migration target storage subsystem 110 so as to move data of the storage area existing in the migration source storage subsystem 100 to the migration target storage subsystem 110 (Step 407)"* (Iwamura, pg.5, para.81). Hence, Iwamura teaches of maintaining the correspondence information between the storage area of the target migration subsystem and the storage area of the migration source subsystem.

Also presented in the previous Office Action, Ofek et al. (US006108748A) discloses, *"in the case of a read operation, [the] second data storage device examines the data map or table to determine whether or not the data has been migrated to and is stored on the second data storage device"* (Ofek, col.2, lines 49-52). Hence, Ofek teaches of a decision step to determining the location of the requested data (e.g., migrated data located on the second or destination storage system or data not migrated located on the first or source storage system) in order to respond appropriately.

However, the prior arts of record fail to teach or suggest individually or in combination as stated in the independent claims for *"means for relating a plurality of migration source shared file systems of the migration source file sharing device to plurality of migration destination shared file systems of the migration destination file sharing device by shared file system basis and for determining a mount point for network-mounting one of the migration source shared file systems of the migration source file sharing device, which is migration-related to the shared file systems of the migration destination file sharing device, as a migration source shared file system onto the migration destination file sharing device, and the migration source shared file systems each having a plurality of files; means for migrating files from the migration source file sharing device to the migration destination file sharing device on a file by file basis per shared file"* and *"means for detecting a migration status, which at least includes a "being copied" status and a "copied" status, of a file of said one of the migration source shared file systems to which access has been requested by the host computer; first, means for providing the file from said one file system of the migration destination file sharing device to the host computer during the per shared file system file migration in a case where the detected migration status of the file is the "copied" status where the file can be used from said one file system of the migration destination file sharing device; and second means for providing the file from said one file system of the migration source file sharing device to the host computer during the per shared file system file migration in a case where the detected migration status of the file is the "being copied" status where the file cannot be used from said one file system of the migration destination file sharing device"* and in combination with other limitations as set forth in the independent claims, as well as Applicants' arguments presented on pages

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14-17 of the Amendment filed on January 25, 2007. In the fore mentioned amendment, the Applicants argued, *"Applicants respectfully contend that none of the cited references teaches or suggest such second "means for providing the file from said one file system 21/33 of the migration source file sharing device 20 to the host computer 10 during the per shared file system file migration in a case where the detected migration status of the file is a "being copied" status where the file cannot be used from said one file system 34 of the migration destination file sharing device 30" according to the present invention as now recited in claim 1."* (pg.16, para.5).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

March 19, 2007



PATRICE WINDER
PRIMARY EXAMINER